

REMARKS

The Applicants thank the Examiner for the thorough review and consideration of the pending application. The Office Action dated December 23, 2008 has been received and its contents carefully reviewed.

Information Disclosure Statement

The Office Action alleges that the IDS filed January 30, 2008 fails to comply with 37 CFR 1.98(a)(1) for the reasons set forth therein. *See Office Action, page 2.*

The Applicants submit that the IDS filed January 30, 2008 complied with the timing requirement of 37 CFR 1.97 however part of the content requirements of 37 CFR 1.98(b) were inadvertently omitted.

Specifically, a bona fide attempt at submission was made, as evidenced by submission of a copy of JP 11-331780, JP 2000-3561 and JP 2001-243721 with the January 30, 2008 IDS. However, a listing of these foreign patents was inadvertently and unintentionally omitted from the PTO/SB/08a filed with these references. Nevertheless, these references were already cited in the IDS filed December 16, 2005 and considered by the Examiner on December 19, 2008.

Specification

The Office Action objects to the title as not being descriptive. The title has been amended to be clearly indicative of the invention to which the claims are directed. Accordingly,

the Applicants respectfully request that the objection be withdrawn.

Claim Amendments

Claims 1, 5 and 8-17 are hereby amended. No new matter has been added. Support for these amendments may be found, for example, on page 44, lines 21-28 and page 48, lines 1-4. Accordingly, claims 1-17 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

Rejection under 35 U.S.C. §101

The Office Action rejects claim 17 under 35 U.S.C. §101 as being drawn to non-statutory subject matter. Claim 17 has been amended to be drawn to statutory subject matter. Accordingly, the Applicants respectfully request that the 35 U.S.C. §101 rejection of claim 17 be withdrawn.

Rejection under 35 U.S.C. §102

The Office Action rejects claims 1-17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,680,647 issued to MORIYAMA. The Applicants respectfully traverse this rejection.

The Applicants respectfully submit that MORIYAMA does not disclose every element recited in claims 1-17 and therefore cannot anticipate these claims.

More specifically, claim 1, as amended, recites an information record medium, which includes, among other features,

"reproduction control information which reproduces the audio information simultaneously with reproduction of the still picture information, wherein the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information."

Claim 8, as amended, recites an information record apparatus, which includes, among other features, "a second record unit which records reproduction control information for reproducing the audio information simultaneously with reproduction of the still picture information, wherein the second record unit records the reproduction control information so that the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information."

Claim 9, as amended, recites an information record method, which includes "a second record process which records reproduction control information for reproducing the audio information simultaneously with reproduction of the still picture information, wherein the second record process records the reproduction control information so that the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information."

Claim 10, as amended, recites an information reproduction apparatus for reproducing an information record medium, which includes, among other features, "reproduction control information which reproduces the audio information simultaneously with reproduction of the still picture information, the reproduction control information including audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information, the apparatus comprising ... an audio reproduction unit which reproduces the audio information simultaneously with reproduction of the still picture information in accordance with the audio repeat information in the reproduction control information."

Claim 11, as amended, recites an information reproduction method for reproducing an information record medium, which includes "reproduction control information which reproduces the audio information simultaneously with reproduction of the still picture information, the reproduction control information including audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information, the method comprising ... an audio reproduction process which reproduces the audio information simultaneously with reproduction of the still picture information in accordance with the audio repeat information in the reproduction control information."

Claim 12, as amended, recites an information record reproduction apparatus which includes, among other features, "an information record unit and an information reproduction unit, wherein the information record unit includes ... a second record unit which records reproduction control information for reproducing the audio information simultaneously with reproduction of the still picture information, wherein the second record unit records the reproduction control information so that the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information, and wherein the information reproduction unit includes ... an audio reproduction unit which reproduces the audio information simultaneously with reproduction of the still picture information in accordance with the audio repeat information in the reproduction control information."

Claim 13, as amended, recites an information record reproduction method, which includes "a second record process which records reproduction control information for reproducing the audio information simultaneously with reproduction of the still picture information, wherein the second record process records the reproduction control information so that the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information."

Claim 14, as amended, recites a computer program executed on a computer, which includes "a second record unit which records reproduction control information for reproducing the audio information simultaneously with reproduction of the still picture information, wherein the second record unit records the reproduction control information so that the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information."

Claim 15, as amended, recites a computer program, which includes "reproduction control information which reproduces the audio information simultaneously with reproduction of the still picture information, executed on a computer so that the reproduction control information reproduces an information record medium including audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information, and making the computer function as ... an audio reproduction unit which reproduces the audio information simultaneously with reproduction of the still picture information in accordance with the audio repeat information in the reproduction control information."

Claim 16, as amended, recites a computer program executed on a computer, which includes "reproducing the audio information simultaneously with reproduction of the still picture information, wherein the second record unit records the

reproduction control information so that the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information, and wherein the information reproduction unit includes ... an audio reproduction unit which reproduces the audio information simultaneously with reproduction of the still picture information in accordance with the audio repeat information in the reproduction control information."

Claim 17, as amended, recites a computer-readable medium encoded with a data structure, which includes "audio information and reproduction control information for reproducing the audio information simultaneously with reproduction of the still picture information, wherein the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information."

MORIYAMA fails to disclose at least these features.

MORIYAMA discloses that audio information that accompanies still picture images can be successively generated. See column 5, lines 5-9. In other words, at best, MORIYAMA discloses that audio information and the still picture information are reproduced without a break or a stop. However, MORIYAMA discloses that audio and still picture information are successively reproduced by reproducing different audio information one after another. Therefore, MORIYAMA fails to at

least disclose "the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 1, "the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 8, "the reproduction control information so that the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 9, "the reproduction control information including audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 10, "the reproduction control information including audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 11, "the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 12, "the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 13, "the

reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 14, "the reproduction control information reproduces an information record medium including audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 15, "the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 16 and "the reproduction control information includes audio repeat information for controlling repeat reproduction of the same audio information simultaneously with the still picture information," as recited in claim 17.

Accordingly, MORIYAMA fails to anticipate the claimed invention.

For at least the aforementioned reasons, the Applicants respectfully submit that claims 1 and 8-17 are patentably distinguishable over MORIYAMA. Likewise, claims 2-7, which depend from claim 1 are also patentable for at least the same reasons. Accordingly, Applicants respectfully request the 35 U.S.C. §102(b) rejection of claims 1-17 over MORIYAMA be withdrawn.

Entry of the above amendments is earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

This response is believed to be fully responsive and to put the case in condition for allowance. An early and favorable action on the merits is earnestly requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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